

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00368-WYD-CBS

CHRISTIANS OF CALIFORNIA, INC., a Colorado Corporation,

Plaintiff,

v.

CLIVE CHRISTIAN NEW YORK, LLP d/b/a CLIVE CHRISTIAN NYC, LLC, a Foreign
Limited Liability Company;

CLIVE CHRISTIAN FURNITURE, LTD, a Foreign Private Limited Company; and

CLIVE CHRISTIAN, an individual

Defendants.

**ORDER AFFIRMING AND ADOPTING RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

THIS MATTER is before the Court on Defendant Clive Christian New York, LLP's Motion to Dismiss for Lack of Personal Jurisdiction (ECF No. 12), filed March 20, 2012, and Defendants Clive Christian Furniture, Ltd.'s and Clive Christian's Motion to Dismiss (ECF No. 16), filed on April 5, 2012. The motions were referred to Magistrate Judge Craig B. Shaffer for a Recommendation by Special Order of Reference dated April 13, 2012. On December 21, 2012, Magistrate Judge Shaffer issued a Recommendation. Specifically, Magistrate Judge Shaffer recommends that the pending motions be denied and that this matter be transferred to the Southern District of New York. (ECF No. 39, Recommendation at 10-11). The Recommendation is incorporated herein by reference. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

Magistrate Judge Shaffer advised the parties that written objections were due within fourteen (14) days after service of a copy of the Recommendation.

(Recommendation at 11-12). Despite this advisement, no objections were filed to the Recommendation. No objections having been filed, I am vested with discretion to review the Recommendation "under any standard [I] deem[] appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Nonetheless, though not required to do so, I review the Recommendation to "satisfy [my]self that there is no clear error on the face of the record."¹ See Fed. R. Civ. P. 72(b) Advisory Committee Notes.

Having reviewed the Recommendation, I am satisfied that there is no clear error on the face of the record. I find that Magistrate Judge Shaffer's Recommendation is thorough, well reasoned and sound. I agree with Magistrate Judge Shaffer that the pending motions should be denied and this matter should be transferred to the Southern District of New York for the reasons stated in both the Recommendation and this Order.

Based on the foregoing, it is

ORDERED that the Recommendation of United States Magistrate Judge Shaffer (ECF No. 39) is **AFFIRMED** and **ADOPTED**. In accordance therewith, it is

FURTHER ORDERED that Defendant Clive Christian New York, LLP's Motion to Dismiss for Lack of Personal Jurisdiction (ECF No. 12), filed March 20, 2012, and

¹ Note, this standard of review is something less than a "clearly erroneous or contrary to law" standard of review, Fed. R. Civ. P. 72(a), which in turn is less than a *de novo* review, Fed. R. Civ. P. 72(b).

Defendants Clive Christian Furniture, Ltd.'s and Clive Christian's Motion to Dismiss (ECF No. 16) are **DENIED**. It is

FURTHER ORDERED that this case is **TRANSFERRED to the Southern District of New York**.

Dated: January 11, 2013

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
United States Senior District Judge